REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action mailed August 3, 2005 ("Final Office Action"). Claims 35-37 have been cancelled and Claims 1-34 currently stand rejected.

Declaration Rejection

Applicant does not address the Final Office Action's rejection of the Declaration because such a rejection is moot for the reasons indicated below.

Section 102 Rejections

Claims 1-2, 4-10, 12-15, 17-22, 24-28, and 30-37 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Printed Publication No. 2002/0179720, listing *Liva* as the first named inventor ("*Liva*"). Applicant traverses these rejections.

At the outset, Applicant provides a reminder that in establishing a *prima facie* case of anticipation, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); and, that the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Further, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). With these threshold requirements in mind, Applicant submits that the PTO has failed to establish a *prima facie* case of anticipation, using *Liva*.

Specifically, Independent Claim 1 is allowable because *Liva* fails to disclose, expressly or inherently, the combination of the following limitations:

> providing first and second cards in a chassis, <u>each card having an output node connectable to a common bus</u> and each having a respective input node;
> providing a facilitator card in the chassis, <u>the facilitator card having an input node connectable to the common bus</u> and an output node;
> connecting the input node of the second card to the output node of the redundancy facilitator card; and
> coupling the input node of the first card to the input node of the second card to provide redundancy for the first card by connecting the input node of the first card to the associated output node of the first card.

(Emphasis added.) With regards to Independent Claim 1, the Final Office Action cites the following features in FIGURE 8B of Liva: I/O cards 845, 815 as disclosing the first and second cards, and I/O card 825 as disclosing the facilitator card. However, with regards to the above emphasized portions of Independent Claim 1, the Final Office Action is silent, providing no indication as to how *Liva* discloses such limitations.[1] Such would be expected because FIGURE 8B of *Liva* discloses a <u>daisy chain configuration</u> and <u>not</u> a configuration with a <u>common bus</u>. *See Liva*, Paragraph 0036 ("Each of the I/O cards is inter-connected in a daisy-chain configuration"; describing FIGS. 8A & 8B). Further, even assuming that a common bus were disclosed, *Liva* would still need to disclose the first and second card having an output node connectable to the common bus <u>and</u> the facilitator card having an input node connectable to the common bus. *Liva* discloses no such configuration. Accordingly, for at least this reason, Applicant submits that Independent Claim 1 and its dependents, Claims 2-13, are allowable. Independent Claims 14 and 26 are allowable for analogous reasons as are their dependents, Claims 15-25, 26-34.

Independent Claim 1 is additionally allowable because the provisional application to which *Liva* claims priority fails to disclose <u>each card having an output node connectable to a common bus</u> and <u>the facilitator card having an input node connectable to the common bus</u>. Applicant reminds the PTO that *Liva* has an actual filing date after the filing date of the Application. Therefore, in utilizing *Liva* as a reference, Applicant submits that the PTO must (1) establish the rejection based on the disclosure of *Liva*, and (2) include a showing of support in the provisional application to which *Liva* claims priority. The Final Office Action show no support in *Liva* for the above limitations. Accordingly, for at least this additional reason, Applicant submits that Independent Claim 1 and its dependents, Claims 2-13, are allowable. Independent Claims 14 and 26 are allowable for analogous reasons as are their dependents, Claims 15-25, 26-34.

Section 103 Rejections

Claims 3, 11, 16, 23, and 29 35 were rejected under U.S.C. 103(a) as being unpatentable over *Liva*, in further view of by U.S. Printed Publication No. 2002/0112940, listing Heilmann as the first named inventor ("*Heilmann*"). These rejections are moot because the Independent Claims are allowable as described above.

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[1] These limitations are additionally not addressed in previous Office Actions.

Incorporation of Previous Arguments

Applicant notes that the PTO has moved from one configuration of *Liva* to another configuration of *Liva* in asserting some of the present rejections. To the extent that the PTO intends on relying on previous rejections, including portions of *Liva* associated therewith, Applicant hereby incorporates and maintains previous arguments made with respect to those rejections. Additionally, Applicant disagrees with the Final Office Actions comments responding to such previous arguments. *See* Final Office Action, Page 12.
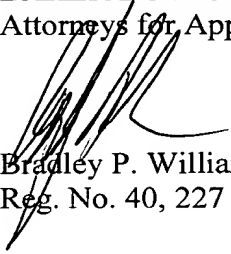
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

Bradley P. Williams
Reg. No. 40, 227

Date: _____10/3/05_____

Customer Number: **05073**